

APPEAL, CASREF, PATENT

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-11610-RGS**

Visible Systems Corporation v. Unisys Corporation  
Assigned to: Judge Richard G. Stearns  
Referred to: Magistrate Judge Marianne B. Bowler  
related Case: 1:07-cv-11736-MLW  
Cause: 15:1125 Trademark Infringement (Lanham Act)

Date Filed: 07/20/2004  
Date Terminated: 11/05/2007  
Jury Demand: Both  
Nature of Suit: 840 Trademark  
Jurisdiction: Federal Question

**Plaintiff**

**Visible Systems Corporation**

represented by **Brian C. Carroll**  
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V.

**Defendant**

**Unisys Corporation**  
*a Delaware Corporation*

represented by **Anthony M. Doniger**  
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## ATTORNEY TO BE NOTICED

**Counter Claimant****Unisys Corporation**  
*a Delaware Corporation*represented by **Matthew C. Welnicki**  
(See above for address)  
ATTORNEY TO BE NOTICED

V.













**Counter Defendant****Visible Systems Corporation**

| Date Filed | #                         | Docket Text   |
|------------|---------------------------|---|
| 07/20/2004 | <a href="#"><u>1</u></a>  | COMPLAINT Filing fee: \$ 150, receipt number 57391, filed by Visible Systems Corporation.(Flaherty, Elaine) (Entered: 07/21/2004)   |
| 07/20/2004 | <a href="#"><u>2</u></a>  | Summons Issued as to Unisys Corporation. (Flaherty, Elaine) (Entered: 07/21/2004)   |
| 07/20/2004 | <a href="#"><u>3</u></a>  | If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Flaherty, Elaine) (Entered: 07/21/2004)   |
| 02/07/2005 | <a href="#"><u>4</u></a>  | MOTION for Extension of Time to 4/7/05 to file proof of service by Visible Systems Corporation.(Flaherty, Elaine) (Entered: 02/10/2005)   |
| 02/10/2005 | <a href="#"><u>5</u></a>  | Judge Richard G. Stearns : Electronic ORDER entered granting <u>2</u> Motion for Extension of Time (Flaherty, Elaine) (Entered: 02/15/2005)   |
| 04/20/2005 | <a href="#"><u>6</u></a>  | NOTICE of Appearance by William L. Boesch on behalf of Unisys Corporation (Boesch, William) (Entered: 04/20/2005)   |
| 04/20/2005 | <a href="#"><u>7</u></a>  | NOTICE of Appearance by Anthony M. Doniger on behalf of Unisys Corporation (Doniger, Anthony) (Entered: 04/20/2005)   |
| 04/20/2005 | <a href="#"><u>8</u></a>  | CORPORATE DISCLOSURE STATEMENT by Unisys Corporation. (Boesch, William) (Entered: 04/20/2005)   |
| 04/27/2005 | <a href="#"><u>9</u></a>  | Joint MOTION for Extension of Time to 06/13/05 to File <i>Responsive Pleading, and for Extension of Time to File Proof of Service</i> , by Unisys Corporation.(Boesch, William) Additional attachment(s) added on 4/28/2005 (Flaherty, Elaine). (Entered: 04/27/2005) |
| 04/27/2005 | <a href="#"><u>10</u></a> | NOTICE of Appearance by Lawrence M. Kraus on behalf of Visible Systems Corporation (Flaherty, Elaine) (Entered: 05/04/2005)   |
| 04/27/2005 | <a href="#"><u>11</u></a> | CORPORATE DISCLOSURE STATEMENT by Visible Systems Corporation. (Flaherty, Elaine) (Entered: 05/04/2005)   |
| 04/27/2005 | <a href="#"><u>12</u></a> | NOTICE of Withdrawal of Appearance Attorney William L. Boesch and Brian C. Carroll terminated. (Flaherty, Elaine) (Entered: 05/04/2005)   |

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| 04/28/2005 | ●   | Notice of correction to docket made by Court staff. Correction: motion #6 corrected because: unsigned (Flaherty, Elaine) (Entered: 04/28/2005)   |
| 04/29/2005 | ●9  | SUMMONS Returned Executed Unisys Corporation served on 4/1/2005, answer due 4/21/2005. (Flaherty, Elaine) (Entered: 05/04/2005)  |
| 05/02/2005 | ●   | Judge Richard G. Stearns : Electronic ORDER entered granting 6 Motion for Extension of Time to File (Flaherty, Elaine) (Entered: 05/02/2005)   |
| 05/03/2005 | ●7  | NOTICE of Appearance by Carrie J. Fletcher on behalf of Visible Systems Corporation (Flaherty, Elaine) (Entered: 05/04/2005)   |
| 05/03/2005 | ●12 | AMENDED COMPLAINT against Unisys Corporation, filed by Visible Systems Corporation.(Flaherty, Elaine) (Entered: 05/04/2005)  |
| 06/13/2005 | ●13 | ANSWER to Amended Complaint <i>with Jury Demand</i> by Unisys Corporation.(Boesch, William) (Entered: 06/13/2005)  |
| 07/11/2005 | ●14 | NOTICE of Scheduling Conference entered: Scheduling Conference set for 8/22/2005 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 07/13/2005)   |
| 07/29/2005 | ●   | NOTICE OF RESCHEDULING: "the 16b conf. presently set for August 22, 2005 is RE-SCHEDULED to: SEPTEMBER 26, 2005 AT 4:00 P.M. "Mary Johnson, Courtroom Clerk to Stearns, DJ. (Johnson, Mary) Modified on 7/29/2005 (Johnson, Mary). (Entered: 07/29/2005)   |
| 09/19/2005 | ●15 | JOINT STATEMENT re scheduling conference. (Boesch, William) (Entered: 09/19/2005)  |
| 09/19/2005 | ●17 | CERTIFICATION pursuant to Local Rule 16.1 by Visible Systems Corporation, filed.(Flaherty, Elaine) (Entered: 09/23/2005)   |
| 09/20/2005 | ●16 | CERTIFICATION pursuant to Local Rule 16.1 by Unisys Corporation, filed.(Flaherty, Elaine) (Entered: 09/23/2005)  |
| 09/26/2005 | ●   | ElectronicClerk's Notes for proceedings held before Judge Richard G. Stearns : Scheduling Conference held on 9/26/2005. Attys. Galebach, Rendini and Kraus present for the pitf. Attys. Boesch and Doniger present for the deft. After colloquy with the Court, the following schedule is implemented: Counsel to do simultaneous exchange of expert disclosures; any supplemental disclosures of experts shall be done by 7-14-06; dispositive motions to be filed by 8-4-06, and responses to be filed by 9-1-06; any reply memos to be filed by 9-21-06; all expert depositions to be completed by 9-21-06. Discovery to be conducted in accordance with local rules and Rules of Civil Procedure. (Court Reporter None.) (Johnson, Mary) (Entered: 10/05/2005) |
| 10/21/2005 | ●18 | MOTION for Protective Order by Visible Systems Corporation. (Galebach, Stephen) (Entered: 10/21/2005)  |
| 11/04/2005 | ●19 | MEMORANDUM in Opposition re <u>18</u> MOTION for Protective Order filed by Unisys Corporation. (Boesch, William) (Entered: 11/04/2005)   |
| 11/04/2005 | ●20 | Cross MOTION for Protective Order by Unisys Corporation.   |



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|            |           | (Attachments: # <u>1</u> Exhibit A)(Boesch, William) (Entered: 11/04/2005)   |
| 11/10/2005 | <u>18</u> | Judge Richard G. Stearns : ElectronicORDER entered denying <u>18</u> Motion for Protective Order, granting <u>20</u> Motion for Protective Order (Flaherty, Elaine) (Entered: 11/14/2005)  |
| 11/10/2005 | <u>22</u> | Judge Richard G. Stearns : PROTECTIVE ORDER, ENTERED. (Flaherty, Elaine) (Entered: 11/16/2005)   |
| 11/14/2005 | <u>21</u> | STIPULATION for Extension of Time by Visible Systems Corporation. (Galebach, Stephen) (Entered: 11/14/2005)  |
| 11/16/2005 | <u>21</u> | Judge Richard G. Stearns : Electronic ORDER entered. ELECTRONIC ENDORSEMENT re <u>21</u> Stipulation filed by Visible Systems Corporation, "Approved" (Flaherty, Elaine) (Entered: 11/16/2005)   |
| 12/29/2005 | <u>23</u> | NOTICE issued to Attorney Brian C. Carroll regarding mandatory use of ECF in compliance with Local Rule 5.4. Failure to comply may result in the imposition of sanctions. (Johnson, Mary) (Entered: 12/29/2005)  |
| 03/03/2006 | <u>24</u> | MOTION to Amend <i>Answer</i> by Unisys Corporation. (Attachments: # <u>1</u> # <u>2</u> )(Doniger, Anthony) (Entered: 03/03/2006)   |
| 03/17/2006 | <u>25</u> | Opposition re <u>24</u> MOTION to Amend <i>Answer</i> filed by Visible Systems Corporation. (Galebach, Stephen) (Entered: 03/17/2006)  |
| 03/20/2006 | <u>24</u> | Judge Richard G. Stearns : Electronic ORDER entered granting <u>24</u> Motion to Amend (Flaherty, Elaine) (Entered: 03/20/2006)  |
| 03/23/2006 | <u>26</u> | AMENDED ANSWER to <i>First Amended Complaint</i> , Amended COUNTERCLAIM against Visible Systems Corporation by Unisys Corporation. (Boesch, William) (Entered: 03/23/2006)   |
| 04/05/2006 | <u>27</u> | MOTION to Compel <i>30(b)(6) Deposition</i> by Visible Systems Corporation.(Galebach, Stephen) (Entered: 04/05/2006)   |
| 04/05/2006 | <u>28</u> | MOTION to Compel <i>Responses to Interrogatories and RFPs</i> by Visible Systems Corporation. (Attachments: # <u>1</u> Exhibit Exhibit C and Q) (Galebach, Stephen) (Entered: 04/05/2006)  |
| 04/05/2006 | <u>29</u> | MOTION to Compel responses to interrogatories and request for production of documents by Visible Systems Corporation. FILED UNDER SEAL.(Flaherty, Elaine) (Entered: 04/06/2006)  |
| 04/19/2006 | <u>30</u> | MEMORANDUM in Opposition re <u>27</u> MOTION to Compel <i>30(b)(6) Deposition</i> , <u>28</u> MOTION to Compel <i>Responses to Interrogatories and RFPs</i> , <u>29</u> MOTION to Compel filed by Unisys Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Boesch, William) (Entered: 04/19/2006) |
| 04/19/2006 | <u>31</u> | MOTION for Leave to File Excess Pages ( <i>Opposition to Motions to Compel</i> ) by Unisys Corporation.(Boesch, William) (Entered: 04/19/2006)   |
| 04/21/2006 | <u>32</u> | MOTION for Leave to File <i>Reply Memorandum</i> by Visible Systems Corporation.(Galebach, Stephen) (Entered: 04/21/2006)  |

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| 04/21/2006 |  33   | REPLY to Response to Motion re <u>27</u> MOTION to Compel <i>30(b)(6) Deposition</i> , <u>28</u> MOTION to Compel <i>Responses to Interrogatories and RFPs Reply Memorandum</i> filed by Visible Systems Corporation. (Galebach, Stephen) (Entered: 04/21/2006)  |
| 05/04/2006 |       | Judge Richard G. Stearns : Electronic ORDER entered granting <u>31</u> Motion for Leave to File Excess Pages. granting <u>32</u> Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures (Johnson, Mary) (Entered: 05/04/2006) |
| 05/04/2006 |  34   | REPLY to Response to Motion re <u>27</u> MOTION to Compel <i>30(b)(6) Deposition</i> , <u>28</u> MOTION to Compel <i>Responses to Interrogatories and RFPs per leave of Court</i> filed by Visible Systems Corporation. (Galebach, Stephen) (Entered: 05/04/2006)  |
| 05/25/2006 |  35   | MOTION to Amend <i>Pre-Trial Schedule</i> by Unisys Corporation. (Attachments: # <u>1</u> Exhibit A (Memorandum of Issues))(Boesch, William) (Entered: 05/25/2006)   |
| 06/07/2006 |  36   | Opposition re <u>35</u> MOTION to Amend <i>Pre-Trial Schedule</i> filed by Visible Systems Corporation. (Galebach, Stephen) (Entered: 06/07/2006)  |
| 06/08/2006 |       | Judge Richard G. Stearns : Electronic ORDER entered granting <u>35</u> Motion to Amend "Allowed, The court will adopt the schedule proposed by Visible Systems Corporation in part." (Flaherty, Elaine) (Entered: 06/09/2006)  |
| 06/16/2006 |  37 | Joint MOTION for Clarification of <i>June 9, 2006 Order</i> by all parties. (Boesch, William) (Entered: 06/16/2006)  |
| 06/26/2006 |  38 | Judge Richard G. Stearns : ORDER entered. REFERRING CASE to Magistrate Judge Marianne B. Bowler Referred for: motions to compel (Flaherty, Elaine) (Entered: 06/26/2006)   |
| 06/29/2006 |     | ELECTRONIC NOTICE of Hearing on MOTIONS to Compel <u>27</u> , <u>28</u> and <u>29</u> . Motion Hearing set for 7/18/2006 at 2:30 PM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Duffy, Marc) (Entered: 06/29/2006)  |
| 06/30/2006 |  39 | Judge Richard G. Stearns : ORDER entered granting <u>37</u> Motion for Clarification "fact discovery 9/22/06; supplemental/rebuttal 9/26/06; expert depositions 10/24/06; dispositive motions 10/31/06; opps 12/1/06 (Flaherty, Elaine) (Entered: 06/30/2006)  |
| 07/18/2006 |     | Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler: Motion Hearing held on 7/18/2006 as to MOTIONS to Compel <u>27</u> , <u>28</u> and <u>29</u> . Attorneys Galebach and Rendini for the Pltf. and Attorney Boesch for the Deft. Rulings made as stated in open court. (Duffy, Marc) (Entered: 07/18/2006)   |
| 07/18/2006 |     | Judge Marianne B. Bowler: Electronic ORDER entered granting in part and denying in part <u>29</u> Motion to Compel; granting in part and denying in  |

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|            |           | part 27 Motion to Compel and granting in part and denying in part 28 Motion to Compel, to the extent set forth on the record in open court. (Bowler, Marianne) (Entered: 07/18/2006)   |
| 09/19/2006 | <u>40</u> | MOTION for Protective Order <i>Concerning Proposed Deposition of Joseph W. McGrath</i> by Unisys Corporation. (Attachments: # <u>1</u> Exhibit D&B List of Visible Systems Companies# <u>2</u> Exhibit B (D&B Report on Visible Systems)# <u>3</u> Exhibit C (USPTO Registration Document)# <u>4</u> Exhibit D (USPTO Listing VISIBLE Trademarks)# <u>5</u> Exhibit E (Welborn Deposition Excerpts)# <u>6</u> Exhibit F (Raftery Deposition Excerpts)# <u>7</u> Exhibit G (Wright Deposition Excerpts))(Boesch, William) (Entered: 09/19/2006) |
| 09/19/2006 | <u>41</u> | MEMORANDUM in Support re <u>40</u> MOTION for Protective Order <i>Concerning Proposed Deposition of Joseph W. McGrath</i> filed by Unisys Corporation. (Boesch, William) (Entered: 09/19/2006)   |
| 09/26/2006 | <u>42</u> | NOTICE of Appearance by Matthew C. Welnicki on behalf of all defendants (Welnicki, Matthew) (Entered: 09/26/2006)  |
| 10/03/2006 | <u>43</u> | Opposition re <u>40</u> MOTION for Protective Order <i>Concerning Proposed Deposition of Joseph W. McGrath</i> filed by Visible Systems Corporation. (Attachments: # <u>1</u> Exhibit Exhibit C# <u>2</u> Exhibit Exhibit F)(Galebach, Stephen) Modified on 10/5/2006 (Flaherty, Elaine). Please see next docket entry number 44, as it is the corrected version of this docket entry (#43) (Entered: 10/03/2006)  |
| 10/03/2006 | <u>44</u> | Opposition re <u>40</u> MOTION for Protective Order <i>Concerning Proposed Deposition of Joseph W. McGrath</i> filed by Visible Systems Corporation. (Attachments: # <u>1</u> Exhibit Exhibit C# <u>2</u> Exhibit Exhibit F)(Galebach, Stephen) (Entered: 10/03/2006)  |
| 10/10/2006 | <u>45</u> | EXHIBIT/appendix re <u>44</u> Opposition to Motion for protective order by Visible Systems Corporation, FILED UNDER SEAL. (Flaherty, Elaine) (Entered: 10/10/2006)   |
| 10/13/2006 |           | Judge Richard G. Stearns : Electronic ORDER entered granting <u>40</u> Motion for Protective Order "Allowed. The court will consider an oral deposition should plaintiff show some material deficiency in the results of the written deposition." (Flaherty, Elaine) (Entered: 10/13/2006)   |
| 10/25/2006 | <u>46</u> | Joint MOTION to Modify Schedule for Briefing of Dispositive Motions by all parties.(Boesch, William) (Entered: 10/25/2006)   |
| 10/26/2006 |           | Judge Richard G. Stearns : Electronic ORDER entered granting <u>46</u> Motion for Modification dispositive motions 11/10/06; opps 12/20/06; replies 1/12/07 (Flaherty, Elaine) (Entered: 10/26/2006)   |
| 11/08/2006 | <u>47</u> | Assented to MOTION for Leave to File Excess Pages <i>for Memorandum of Law</i> by Unisys Corporation. Unisys Corporation.(Welnicki, Matthew) (Entered: 11/08/2006)   |
| 11/13/2006 | <u>48</u> | MOTION for Summary Judgment by Unisys Corporation, FILED UNDER SEAL.(Flaherty, Elaine) (Entered: 11/15/2006)   |



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| 11/13/2006 | <u>49</u> | STATEMENT of facts re <u>48</u> MOTION for Summary Judgment. FILED UNDER SEAL. (Flaherty, Elaine) (Entered: 11/15/2006)   |
| 11/13/2006 | <u>50</u> | MEMORANDUM in Support re <u>48</u> MOTION for Summary Judgment filed by Unisys Corporation, FILED UNDER SEAL. (Flaherty, Elaine) (Entered: 11/15/2006)  |
| 11/13/2006 | <u>51</u> | APPENDIX/EXHIBIT re <u>48</u> MOTION for Summary Judgment by Unisys Corporation. VOLUMES ONE AND TWO. FILED UNDER SEAL(Flaherty, Elaine) (Entered: 11/15/2006)  |
| 11/13/2006 | <u>52</u> | MOTION to Seal summary judgment papers by Unisys Corporation. (Flaherty, Elaine) (Entered: 11/15/2006)  |
| 11/14/2006 |           | Judge Richard G. Stearns : Electronic ORDER entered granting <u>47</u> Motion for Leave to File Excess Pages (Giannotti, Diane) (Entered: 11/14/2006)   |
| 11/15/2006 |           | Judge Richard G. Stearns : Electronic ORDER entered granting <u>52</u> Motion to Seal (Flaherty, Elaine) (Entered: 11/15/2006)  |
| 12/20/2006 | <u>53</u> | Assented to MOTION to Modify Schedule for Briefing of Dispositive Motions by Visible Systems Corporation.(Galebach, Stephen) (Entered: 12/20/2006)  |
| 12/22/2006 | <u>54</u> | MOTION to Seal <i>Summary Judgment Papers Filed by Plaintiff</i> by Visible Systems Corporation.(Galebach, Stephen) (Entered: 12/22/2006)   |
| 01/04/2007 |           | Judge Richard G. Stearns : Electronic ORDER entered granting <u>53</u> Motion for Modification (Flaherty, Elaine) (Entered: 01/04/2007)   |
| 01/12/2007 | <u>55</u> | MOTION Leave to Supplement Expert Disclosure and Take Deposition Out of Time by Visible Systems Corporation. (Attachments: # <u>1</u> Exhibit Ex. A - Affidavit of Dr. Malcolm Lane)(Galebach, Stephen) (Entered: 01/12/2007)   |
| 01/16/2007 | <u>56</u> | MOTION for Leave to File Excess Pages ( <i>Summary Judgment Reply Memorandum--Unopposed</i> ) by Unisys Corporation.(Boesch, William) (Entered: 01/16/2007)   |
| 01/16/2007 |           | Judge Richard G. Stearns : Electronic ORDER entered granting <u>54</u> Motion to Seal (Zierk, Marsha) (Entered: 01/16/2007)   |
| 01/16/2007 | <u>58</u> | REPLY to Response to Motion re <u>48</u> MOTION for Summary Judgment filed by Unisys Corporation FILED UNDER SEAL (Flaherty, Elaine) (Entered: 01/19/2007)  |
| 01/19/2007 | <u>57</u> | MOTION to Strike <i>Summary Judgment Exhibits Submitted by Plaintiff</i> by Unisys Corporation. (Attachments: # <u>1</u> Exhibit A (Report of Malcolm Lane)# <u>2</u> Exhibit B (Report of Clement Cote)# <u>3</u> Exhibit C (VSC's Supplemental Answers to Interrogatories)# <u>4</u> Exhibit Rule 30(b)(6) Dep of VSC (Excerpt)# <u>5</u> Exhibit E (John Nash Dep (Excerpt)))(Boesch, William) (Entered: 01/19/2007) |
| 01/19/2007 | <u>59</u> | APPENDIX/EXHIBIT re <u>58</u> Reply to Response to Motion by Unisys   |



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|            |     | Corporation, FILED UNDER SEAL. (Flaherty, Elaine) (Entered: 01/19/2007)   |
| 01/19/2007 | ●   | Judge Richard G. Stearns : Electronic ORDER entered granting <u>56</u> Motion for Leave to File Excess Pages (Flaherty, Elaine) (Entered: 01/19/2007)   |
| 01/24/2007 | ●60 | AFFIDAVIT of Dr. Lane by Visible Systems Corporation. FILED UNDER SEAL. (Flaherty, Elaine) (Entered: 01/25/2007)  |
| 01/26/2007 | ●61 | MOTION to Seal attached pleadings by Unisys Corporation. FILED. (Flaherty, Elaine) (Entered: 01/29/2007)  |
| 01/26/2007 | ●62 | Opposition re <u>55</u> MOTION Leave to Supplement Expert Disclosure and Take Deposition Out of Time filed by Unisys Corporation, FILED UNDER SEAL. (Flaherty, Elaine) (Entered: 01/29/2007)  |
| 01/26/2007 | ●63 | APPENDIX/EXHIBIT re <u>62</u> Opposition to Motion by Unisys Corporation, FILED UNDER SEAL. (Flaherty, Elaine) (Entered: 01/29/2007)  |
| 01/29/2007 | ●   | Judge Richard G. Stearns : Electronic ORDER entered granting <u>61</u> Motion to Seal (Flaherty, Elaine) (Entered: 01/29/2007)  |
| 02/02/2007 | ●64 | RESPONSE to Motion re <u>57</u> MOTION to Strike <i>Summary Judgment Exhibits Submitted by Plaintiff</i> , filed by Visible Systems Corporation. (Attachments: # <u>1</u> # <u>2</u> )(Galebach, Stephen) (Entered: 02/02/2007)   |
| 02/05/2007 | ●   | ELECTRONIC NOTICE of Hearing on Motion <u>48</u> MOTION for Summary Judgment, <u>57</u> MOTION to Strike <i>Summary Judgment Exhibits Submitted by Plaintiff</i> , Motion Hearing set for 3/29/2007 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 02/05/2007) |
| 02/08/2007 | ●65 | Judge Richard G. Stearns : ORDER entered. REFERRING DISCOVERY MOTION to Magistrate Judge Marianne B. Bowler Referred for: motion #55 per RGS(Flaherty, Elaine) Modified on 2/15/2007 (Flaherty, Elaine). (Entered: 02/08/2007)  |
| 02/08/2007 | ●   | ELECTRONIC NOTICE of Hearing on Motion: MOTION Leave to Supplement <u>55</u> set for 3/16/2007 at 2:00 PM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Duffy, Marc) (Entered: 02/08/2007)   |
| 02/09/2007 | ●   | ELECTRONIC NOTICE Resetting or Hearing. The hearing on Motion <u>55</u> previously set for 3/16/2007 is hereby reset to 2/13/2007 at 10:15 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Duffy, Marc) (Entered: 02/09/2007)   |
| 02/13/2007 | ●   | Judge Marianne B. Bowler: Electronic ORDER entered granting <u>55</u> Motion, to the extent set forth on the record in open court on this date. (Bowler, Marianne) (Entered: 02/13/2007)  |
| 02/13/2007 | ●   | Electronic Clerk's Notes for proceedings held before Judge Marianne B.  |

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|            |           | Bowler: Motion Hearing held on 2/13/2007 as to <u>55</u> MOTION for Leave to Supplement. The motion is ALLOWED to the extent stated on the record in open court. (Duffy, Marc) (Entered: 02/13/2007)  |
| 02/15/2007 | <u>66</u> | Case no longer referred to Magistrate Judge Marianne B. Bowler. (Flaherty, Elaine) (Entered: 02/15/2007)  |
| 03/27/2007 | <u>66</u> | Judge Richard G. Stearns : ORDER entered denying <u>57</u> Motion to Strike (Flaherty, Elaine) (Entered: 03/27/2007)  |
| 03/29/2007 | <u>66</u> | Judge Richard G. Stearns : Electronic ORDER entered denying <u>48</u> Motion for Summary Judgment. (Hamilton, Maria Raia) (Entered: 03/29/2007)   |
| 03/29/2007 | <u>66</u> | ElectronicClerk's Notes for proceedings held before Judge Richard G. Stearns: Motion Hearing held on 3/29/2007 re <u>48</u> MOTION for Summary Judgment filed by Unisys Corporation. After oral argument, the court denied the motion for summary judgment. A trial will be scheduled for Monday, July 23, 2007. (Court Reporter James Gibbons.) (Hamilton, Maria Raia) (Entered: 03/29/2007) |
| 03/30/2007 | <u>67</u> | Judge Richard G. Stearns : ORDER entered. PROCEDURAL ORDER re pretrial/trial: Final Pretrial Conference set for 7/18/2007 03:45 PM in Courtroom 21 before Judge Richard G. Stearns. Jury Trial set for 7/23/2007 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 03/30/2007)  |
| 05/09/2007 | <u>68</u> | Judge Richard G. Stearns : TIME LIMIT ORDER entered. (Johnson, Mary) (Entered: 05/09/2007)  |
| 05/21/2007 | <u>69</u> | TRANSCRIPT of Motion for Summary Judgment Hearing held on March 29, 2007 before Judge Stearns. Court Reporter: James P. Gibbons. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/428-0402 or the Clerk's Office. (Scalfani, Deborah) (Entered: 05/21/2007)                                     |
| 05/23/2007 | <u>70</u> | Response by Unisys Corporation -- <i>Comment on Trial Time-Limit Order, and Opposition to Plaintiff's Request to Modify Order.</i> (Boesch, William) (Entered: 05/23/2007)  |
| 05/23/2007 | <u>71</u> | MOTION to Modify Trial Time Limit Order <i>Plaintiff's Comments on Time Limit Order</i> by Visible Systems Corporation.(Galebach, Stephen) (Entered: 05/23/2007)  |
| 05/30/2007 | <u>72</u> | MOTION to Seal attached motion by Visible Systems Corporation, filed. (Flaherty, Elaine) (Entered: 05/31/2007)  |
| 05/30/2007 | <u>77</u> | SEALED MOTION by Visible Systems Corporation. (Duffy, Marc) (Entered: 06/28/2007)   |
| 06/05/2007 | <u>72</u> | Judge Richard G. Stearns : Electronic ORDER entered granting <u>72</u> Motion to Seal (Flaherty, Elaine) (Entered: 06/05/2007)  |
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| 06/14/2007 | <u>73</u> | Judge Richard G. Stearns : ORDER entered. (Johnson, Mary) (Entered: 06/14/2007)   |
| 06/14/2007 |           | Judge Richard G. Stearns : Electronic ORDER entered granting <u>71</u> Motion for Modification. (Johnson, Mary) (Entered: 06/18/2007)   |
| 06/15/2007 | <u>74</u> | MOTION for Leave to File <i>Reply Memorandum</i> by Visible Systems Corporation. (Attachments: # <u>1</u> Exhibit Proposed Reply Memorandum) (Galebach, Stephen) (Entered: 06/15/2007)  |
| 06/19/2007 |           | ELECTRONIC NOTICE of Hearing: Hearing on sealed motion set for 6/28/2007 at 11:00 AM in courtroom 25 before Magistrate Judge Marianne B. Bowler. (Duffy, Marc) (Entered: 06/19/2007)  |
| 06/20/2007 |           | ELECTRONIC NOTICE OF RESCHEDULING: "the Final Pre-Trial Conference currently scheduled for July 18, 2007 is being moved to Thursday, July 19, 2007 at 4:00 P.M. before Stearns, DJ (Courtroom #21, 7th Floor, Boston Federal Courthouse)." M. Johnson, Deputy Clerk (Johnson, Mary) Modified on 6/20/2007 (Johnson, Mary). (Entered: 06/20/2007)  |
| 06/20/2007 | <u>75</u> | Response to Plaintiff's Motion to Compel Production of Privileged documents and to re-depose witnesses, FILED UNDER SEAL by Unisys Corporation to <u>72</u> sealed MOTION compel (Flaherty, Elaine) (Entered: 06/20/2007)   |
| 06/26/2007 |           | Judge Richard G. Stearns : Electronic ORDER entered granting <u>74</u> Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Flaherty, Elaine) (Entered: 06/26/2007) |
| 06/27/2007 | <u>76</u> | REPLY to Response to Motion re <u>74</u> MOTION for Leave to File <i>Reply Memorandum</i> filed by Visible Systems Corporation. (Galebach, Stephen) (Entered: 06/27/2007)   |
| 06/28/2007 |           | Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler: Motion Hearing held on 6/28/2007 as to [77] SEALED MOTION. The Deft. will produce requested materials for in camera review by the court. A prompt ruling will issue after court's review. (Duffy, Marc) (Entered: 06/28/2007)  |
| 06/28/2007 | <u>78</u> | Sealed Submission of Privileged Documents for In Camera Inspection, FILED UNDER SEAL by defendant Unisys Corp forwarded to U.S. Magistrate Judge's Clerk. (Flaherty, Elaine) (Entered: 06/29/2007)  |
| 07/09/2007 | <u>79</u> | Emergency motion to enforce discovery order, impose sanctions, and to shorten time to respond (re:77) by Visible Systems Corporation. (Attachments: # <u>1</u> Exhibits filed under seal)FILED UNDER SEAL (Flaherty, Elaine) (Entered: 07/09/2007)  |
| 07/10/2007 | <u>80</u> | Judge Richard G. Stearns : ORDER entered. REFERRING CASE to Magistrate Judge Marianne B. Bowler Referred for: emergency motion  |



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|            |                           | (Flaherty, Elaine) Motion #79 referred to Marianne B. Bowler. Modified on 7/10/2007 (Flaherty, Elaine). (Entered: 07/10/2007)  |
| 07/10/2007 | <a href="#"><u>81</u></a> | RESPONSE to Motion re <u>79</u> MOTION for Sanctions ( <i>Preliminary Response to Request to Shorten Opposition Time</i> ) filed by Unisys Corporation. (Boesch, William) (Entered: 07/10/2007)  |
| 07/10/2007 | <a href="#"><u>80</u></a> | ELECTRONIC NOTICE of Hearing on Motion: Hearing on <u>79</u> EMERGENCY MOTION for Sanctions set for 7/12/2007 at 11:00 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. Any opposition to <u>79</u> shall be filed no later than the close of business on Wednesday July 11, 2007. (Duffy, Marc) (Entered: 07/10/2007)   |
| 07/11/2007 | <a href="#"><u>82</u></a> | Opposition re <u>79</u> MOTION for Sanctions <i>and Cross-Motion for Sanctions</i> filed by Unisys Corporation. (Attachments: # <u>1</u> Affidavit of William L. Boesch)(Boesch, William) (Entered: 07/11/2007)  |
| 07/12/2007 | <a href="#"><u>81</u></a> | Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler: Motion Hearing held on 7/12/2007 as to <u>79</u> EMERGENCY MOTION for Sanctions. The court takes the motion under advisement. (Duffy, Marc) (Entered: 07/12/2007)   |
| 07/12/2007 | <a href="#"><u>83</u></a> | Judge Marianne B. Bowler : ORDER entered. MEMORANDUM AND ORDER RE: PLAINTIFFS MOTION TO COMPEL PRODUCTION OF NONPRIVILEGED DOCUMENTS FOR IN CAMERA INSPECTION AND RELATED RELIEF(DOCKET ENTRY # 77); and PLAINTIFFS EMERGENCY MOTION TO ENFORCE DISCOVERY ORDER, IMPOSE SANCTIONS, AND SHORTEN DEFENDANTS TIME TO RESPOND (DOCKET ENTRY # 79) are ALLOWED in part and DENIED in part. Defendant is ordered to produce the aforementioned emails forthwith. Neither plaintiff nor defendant are entitled to sanctions. (Feeney, Eileen) (Entered: 07/12/2007) |
| 07/13/2007 | <a href="#"><u>84</u></a> | Proposed Jury Instructions by Unisys Corporation. (Boesch, William) (Entered: 07/13/2007)  |
| 07/13/2007 | <a href="#"><u>85</u></a> | MOTION in Limine to <i>Preclude or Limit Expert Testimony</i> by Unisys Corporation.(Boesch, William) (Entered: 07/13/2007)  |
| 07/13/2007 | <a href="#"><u>86</u></a> | <i>Defendant's Portion of Joint Trial</i> Exhibit List by Unisys Corporation.. (Attachments: # <u>1</u> Exhibit Attachment to Defendant's Portion of Joint Trial Exhibit List)(Boesch, William) (Entered: 07/13/2007)  |
| 07/13/2007 | <a href="#"><u>87</u></a> | Proposed Jury Verdict by Unisys Corporation. (Boesch, William) (Entered: 07/13/2007)   |
| 07/13/2007 | <a href="#"><u>88</u></a> | TRIAL BRIEF ( <i>Defendant's Proposed Description for Venire</i> ) by Unisys Corporation. (Boesch, William) (Entered: 07/13/2007)  |
| 07/13/2007 | <a href="#"><u>89</u></a> | Proposed Voir Dire by Unisys Corporation. (Boesch, William) (Entered: 07/13/2007)  |
| 07/13/2007 | <a href="#"><u>90</u></a> | TRIAL BRIEF by Unisys Corporation. (Boesch, William) (Entered: 07/13/2007)   |

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| 07/13/2007 | <a href="#"><u>91</u></a>  | <i>Defendant's Exhibit List to be Offered at Trial</i> by Unisys Corporation.. (Attachments: # <u>1</u> Exhibit Attachment to Defendant's List of Exhibits to be Offered at Trial)(Boesch, William) (Entered: 07/13/2007)                             |
| 07/13/2007 | <a href="#"><u>92</u></a>  | <i>Defendant's Trial Witness List</i> by Unisys Corporation. (Boesch, William) (Entered: 07/13/2007)  |
| 07/13/2007 | <a href="#"><u>93</u></a>  | <i>Plaintiff's Witness List</i> by Visible Systems Corporation. (Galebach, Stephen) (Entered: 07/13/2007)   |
| 07/13/2007 | <a href="#"><u>94</u></a>  | TRIAL BRIEF ( <i>Defendant's Response to Plaintiff's Designations of Rule 30(b)(6) Deposition Testimony of David Wright, and Defendant's Counter-Designations</i> ) by Unisys Corporation. (Boesch, William) (Entered: 07/13/2007)                    |
| 07/13/2007 | <a href="#"><u>95</u></a>  | <i>Joint Exhibit List Plaintiff's Portion</i> by Visible Systems Corporation.. (Galebach, Stephen) (Entered: 07/13/2007)  |
| 07/13/2007 | <a href="#"><u>96</u></a>  | <i>Plaintiff's Exhibit List</i> by Visible Systems Corporation.. (Galebach, Stephen) (Entered: 07/13/2007)  |
| 07/13/2007 | <a href="#"><u>97</u></a>  | MOTION in Limine by Visible Systems Corporation.(Galebach, Stephen) (Entered: 07/13/2007)   |
| 07/13/2007 | <a href="#"><u>98</u></a>  | <i>Plaintiff's Deposition Designation Exhibit List</i> by Visible Systems Corporation.. (Galebach, Stephen) (Entered: 07/13/2007)   |
| 07/13/2007 | <a href="#"><u>99</u></a>  | MOTION in Limine <i>to Preclude Evidence or Argument on Alleged Bad Faith</i> by Unisys Corporation.(Boesch, William) (Entered: 07/13/2007)   |
| 07/13/2007 | <a href="#"><u>100</u></a> | TRIAL BRIEF by Visible Systems Corporation. (Galebach, Stephen) (Entered: 07/13/2007)   |
| 07/13/2007 | <a href="#"><u>101</u></a> | Proposed Jury Instructions by Visible Systems Corporation. (Galebach, Stephen) (Entered: 07/13/2007)  |
| 07/13/2007 | <a href="#"><u>102</u></a> | Proposed Jury Questions by Visible Systems Corporation. (Galebach, Stephen) (Entered: 07/13/2007)   |
| 07/13/2007 | <a href="#"><u>103</u></a> | Proposed Voir Dire by Visible Systems Corporation. (Galebach, Stephen) (Entered: 07/13/2007)  |
| 07/13/2007 | <a href="#"><u>104</u></a> | APPENDIX/EXHIBIT <i>Proposed Venire Statement</i> by Visible Systems Corporation. (Galebach, Stephen) (Entered: 07/13/2007)   |
| 07/18/2007 | <a href="#"><u>105</u></a> | Opposition re <u>97</u> MOTION in Limine filed by Unisys Corporation. (Attachments: # <u>1</u> Exhibit A (Website Excerpts)# <u>2</u> Exhibit B (Excerpt from Unisys Supplemental Answers to Interrogatories))(Boesch, William) (Entered: 07/18/2007) |
| 07/18/2007 | <a href="#"><u>106</u></a> | MOTION to Amend <i>Plaintiff's Exhibit List</i> by Visible Systems Corporation.(Galebach, Stephen) (Entered: 07/18/2007)  |
| 07/18/2007 | <a href="#"><u>107</u></a> | Opposition re <u>85</u> MOTION in Limine <i>to Preclude or Limit Expert Testimony</i> filed by Visible Systems Corporation. (Galebach, Stephen)   |

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|            |            | (Entered: 07/18/2007)  |
| 07/19/2007 | <u>108</u> | Opposition re <u>99</u> MOTION in Limine to Preclude Evidence or Argument on Alleged Bad Faith and Motion in Limine re Damages and Accounting filed by Visible Systems Corporation. (Attachments: # <u>1</u> Exhibit No. 1 to Plaintiff's Opposition re Damages)(Galebach, Stephen) (Entered: 07/19/2007)  |
| 07/19/2007 |            | Clerk's Notes for proceedings held before Judge Richard G. Stearns : Initial Pretrial Conference held on 7/19/2007. Stephen Galebach and Joseph Rendini appeared on behalf of the plaintiff Visible Systems Corp.; William Boesch, Tony Doniger, Matthew Welnick, Andrew Hansen and Lucinda Ringer appeared on behalf of the defendant Unisys Corp. The trial will commence Monday July 23 in Springfield. The court will sit from 9:30 until 4:00 each day (except for the afternoon of Thursday July 26th). The court will seat 8 jurors/parties have 3 challenges each. Plaintiff's counsel agreed to withdraw from the consideration of the jury Counts III and VI (state law claims). (Court Reporter n/a.) (Zierk, Marsha) (Entered: 07/19/2007) |
| 07/23/2007 | <u>109</u> | First Amended Exhibit List by Unisys Corporation.. (Stuckenbruck, John) (Entered: 07/23/2007)  |
| 07/23/2007 |            | Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Jury Trial held on 7/23/2007. Counsel meets with court in chambers. Case called for jury trial. Jury of eight impaneled and sworn. Court's preliminary instructions to jury. Opening statements of counsel. Pltf's evidence begins. Court recesses @ 4:00 PM until 9:00 AM 7/24/07. (Court Reporter Jim Gibbons/Alice Moran-daily copy.) (Stuckenbruck, John) (Entered: 07/23/2007)  |
| 07/24/2007 | <u>110</u> | TRANSCRIPT of Jury Trial Day One held on July 23, 2007 before Judge Stearns. Court Reporter: Alice Moran. The original transcripts are maintained by the Clerk's Office. Copies may be obtained by contacting the court reporter at 413/731-0086 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/24/2007)  |
| 07/24/2007 |            | Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Jury Trial held on 7/24/2007, Day 2. Plaintiff's evidence continues. Court recesses @ 4:00 PM until 9:30 AM, 7/25/07. (Court Reporter Gibbons, Moran, Mubarek-daily copy.) (Stuckenbruck, John) (Entered: 07/25/2007)  |
| 07/25/2007 |            | Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Jury Trial held on 7/25/2007, day three. Plaintiff's evidence continues. Court recesses @4:00 PM until 9:30 AM, 7/26/07.(Court Reporter Gibbons, Moran, Mubarek.) (Stuckenbruck, John) (Entered: 07/25/2007)   |
| 07/26/2007 |            | Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Jury Trial held on 7/26/2007, day four. Plaintiff's evidence continues. Court recesses @ 1:00 PM until 9:30 AM, 7/27/07. (Court Reporter Gibbons, Moran.) (Stuckenbruck, John) (Entered: 07/26/2007)   |






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| 07/26/2007 | <u>111</u> | TRIAL BRIEF ( <i>Designations of Rule 30(b)(6) Deposition Testimony of Stewart Nash</i> ) by Unisys Corporation. (Boesch, William) (Entered: 07/26/2007)  |
| 07/27/2007 |            | Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Jury Trial held on 7/27/2007. Plaintiff's evidenc continues. Plaintiff rests. Deft. moves for judgment as a matter of law. Court will hold ruling in abeyance pending conclusion of trial. Defendant's evidence begins. Court recesses @ 4:00 PM until 11:00 AM, 7/30/07, for charging conference only. Jury to return on 7/31/07 @ 9:30 for completion of evidence, arguments, court's instructions and deliberations. (Court Reporter Gibbons, Moran, Mubarek.) (Stuckenbruck, John) (Entered: 07/30/2007)  |
| 07/27/2007 | <u>114</u> | MOTION for Judgment as a Matter of Law filed after completion of plaintiff's direct case by Unisys Corporation.(Stuckenbruck, John) (Entered: 08/01/2007)   |
| 07/29/2007 | <u>112</u> | Counter-Designation Response by Visible Systems Corporation <i>re Deposition 30(b)(6) S. Nash</i> . (Galebach, Stephen) (Entered: 07/29/2007)   |
| 07/29/2007 | <u>113</u> | DECLARATION <i>Designation of Deposition Testimony</i> by Visible Systems Corporation. (Galebach, Stephen) (Entered: 07/29/2007)  |
| 07/30/2007 |            | Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Jury Trial held on 7/30/2007. Charging conference held. Court recesses @ 1:00 PM until 9:30 AM, 7/31/07. (Court Reporter Gibbons.) (Stuckenbruck, John) (Entered: 07/30/2007)   |
| 07/31/2007 |            | Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Deft. rests. Deft renews motion for judgment as a matter of law. Court withholds ruling pending jury verdict. Pltf's rebuttal evidence. Pltf. rests. Deft. renews motion. Ruling withheld. Closing arguments of counsel. Court's instructions on the law. Counsel's objections to instructions. Jury begins deliberations @ 1:15 PM. Jury returns verdict @ 3:11 PM. Jury finds infringement by defendant and awards damages in the amount of \$250,000.00. Jury discharged. Jury Trial completed on 7/31/2007. (Court Reporter Gibbons, Moran.) (Stuckenbruck, John) (Entered: 08/01/2007) |
| 07/31/2007 | <u>115</u> | Deft's Renewed MOTION for Judgment as a Matter of Law by Unisys Corporation.(Stuckenbruck, John) (Entered: 08/01/2007)  |
| 07/31/2007 | <u>116</u> | Second Renewed MOTION for Judgment as a Matter of Law by Unisys Corporation.(Stuckenbruck, John) (Entered: 08/01/2007)  |
| 07/31/2007 | <u>117</u> | JURY VERDICT in favor of Plaintiff against Defendant. (Stuckenbruck, John) (Entered: 08/01/2007)  |
| 08/07/2007 |            | Judge Richard G. Stearns : Electronic ORDER entered denying <u>85</u> Motion in Limine; denying <u>97</u> Motion in Limine; granting <u>99</u> Motion in Limine; granting <u>106</u> Motion to Amend; denying <u>114</u> Motion for Judgment as a Matter of Law; denying <u>115</u> Motion for Judgment as a  |

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|            |            | Matter of Law; denying <u>116</u> Motion for Judgment as a Matter of Law (Zierk, Marsha) (Entered: 08/07/2007)  |
| 08/21/2007 | <u>118</u> | MOTION for Permanent Injunction <i>Declaratory Rulings, Award of Profits and Attorneys Fees</i> by Visible Systems Corporation. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Exhibit Unisys Interrogatory Response)(Galebach, Stephen) (Entered: 08/21/2007)  |
| 08/27/2007 | <u>119</u> | MOTION for Extension of Time to 09/18/07 to Respond to Plaintiff's Post-Trial Motion by Unisys Corporation.(Boesch, William) (Entered: 08/27/2007)  |
| 08/29/2007 |            | Judge Richard G. Stearns : Electronic ORDER entered granting <u>119</u> Motion for Extension of Time. (Johnson, Mary) (Entered: 08/29/2007)   |
| 09/10/2007 |            | ELECTRONIC NOTICE of Hearing :Hearing on 93A claim set for 9/17/2007 09:30 AM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) Modified on 9/24/2007 (Johnson, Mary). (Entered: 09/24/2007)   |
| 09/11/2007 | <u>120</u> | MOTION for Judgment as a Matter of Law <i>on Chapter 93A Claim, with Request for Expedited Ruling</i> by Unisys Corporation.(Boesch, William) (Entered: 09/11/2007)   |
| 09/12/2007 | <u>121</u> | RESPONSE to Motion re <u>120</u> MOTION for Judgment as a Matter of Law <i>on Chapter 93A Claim, with Request for Expedited Ruling</i> filed by Visible Systems Corporation. (Galebach, Stephen) (Entered: 09/12/2007)  |
| 09/17/2007 |            | Judge Richard G. Stearns : Electronic ORDER entered finding as moot <u>120</u> Motion for Judgment as a Matter of Law. "as plaintiff has withdrawn it's 93A claim, this motion is now moot." (Johnson, Mary) Modified on 9/17/2007 (Johnson, Mary). (Entered: 09/17/2007)   |
| 09/17/2007 |            | ELECTRONIC NOTICE Resetting or Cancelling Hearing. The hearing forSeptember 19, 2007 is hereby cancelled, per Order of the Court. (Johnson, Mary) (Entered: 10/02/2007)   |
| 09/18/2007 | <u>122</u> | MEMORANDUM in Opposition re <u>118</u> MOTION for Permanent Injunction <i>Declaratory Rulings, Award of Profits and Attorneys Fees and in Support of Motion for Judgment as a Matter of Law</i> filed by Unisys Corporation. (Attachments: # <u>1</u> Exhibit A (Form of Injunction)# <u>2</u> Exhibit B (Affidavit of Stanley A. Mattos))(Boesch, William) (Entered: 09/18/2007) |
| 09/18/2007 | <u>123</u> | MOTION for Leave to File Excess Pages ( <i>Combined Post-Trial Memorandum</i> ) by Unisys Corporation.(Boesch, William) (Entered: 09/18/2007)   |
| 09/18/2007 | <u>124</u> | MOTION for Judgment as a Matter of Law ( <i>Renewed Post-Trial</i> ) by Unisys Corporation.(Boesch, William) (Entered: 09/18/2007)  |
| 09/24/2007 |            | Notice of correction to docket made by Court staff. Correction: docket entry of 9-10-2007 corrected because: wrong event used. corrected and redocketed. (Johnson, Mary) (Entered: 09/24/2007)  |

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| 09/24/2007 | <u>125</u> | Proposed Document(s) submitted by Visible Systems Corporation. Document received: Plaintiff's Proposed form of Judgment. (Galebach, Stephen) (Entered: 09/24/2007)  |
| 09/26/2007 | <u>126</u> | MOTION for Leave to File <i>Reply Memorandum re Injunction</i> by Visible Systems Corporation.(Galebach, Stephen) (Entered: 09/26/2007)   |
| 09/26/2007 | <u>127</u> | REPLY to Response to Motion re <u>123</u> MOTION for Leave to File Excess Pages ( <i>Combined Post-Trial Memorandum</i> ), <u>124</u> MOTION for Judgment as a Matter of Law ( <i>Renewed Post-Trial</i> ) filed by Visible Systems Corporation. (Attachments: # <u>1</u> Affidavit of John Nash# <u>2</u> Exhibit No. 2# <u>3</u> Exhibit No. 3# <u>4</u> Exhibit No. 4# <u>5</u> Exhibit No. 5# <u>6</u> Exhibit No. 6# <u>7</u> Affidavit signature page)(Galebach, Stephen) (Entered: 09/26/2007)   |
| 09/27/2007 | <u>128</u> | Opposition re <u>124</u> MOTION for Judgment as a Matter of Law ( <i>Renewed Post-Trial</i> ) filed by Visible Systems Corporation. (Galebach, Stephen) (Entered: 09/27/2007)   |
| 10/02/2007 |            | Notice of correction to docket made by Court staff. Correction: docket entry of 9-17-07 corrected because: wrong event was used. It has been corrected and redocketed. (Johnson, Mary) (Entered: 10/02/2007)  |
| 10/02/2007 | <u>129</u> | MOTION for Leave to File <i>Reply Memorandum</i> by Unisys Corporation. (Boesch, William) (Entered: 10/02/2007)   |
| 10/02/2007 | <u>130</u> | SUR-REPLY to Motion re <u>126</u> MOTION for Leave to File <i>Reply Memorandum re Injunction</i> , <u>118</u> MOTION for Permanent Injunction <i>Declaratory Rulings, Award of Profits and Attorneys Fees</i> filed by Unisys Corporation. (Attachments: # <u>1</u> Exhibit A (Affidavit of Stanley A. Mattos)# <u>2</u> Exhibit B (Google Search Result)# <u>3</u> Exhibit C (Google Search Result 2))(Boesch, William) (Entered: 10/02/2007)  |
| 10/05/2007 |            | Judge Richard G. Stearns : Electronic ORDER entered granting <u>126</u> Motion for Leave to File: Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document.; granting <u>129</u> Motion for Leave to File: Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Flaherty, Elaine) (Entered: 10/09/2007) |
| 10/09/2007 | <u>131</u> | SUR-REPLY to Motion re <u>126</u> MOTION for Leave to File <i>Reply Memorandum re Injunction</i> , <u>118</u> MOTION for Permanent Injunction <i>Declaratory Rulings, Award of Profits and Attorneys Fees</i> filed by Unisys Corporation. (Attachments: # <u>1</u> Exhibit A (Affidavit of Stanley A. Mattos)# <u>2</u> Exhibit B (Google Search Result)# <u>3</u> Exhibit C (Google Search Result 2))(Welnicki, Matthew) (Entered: 10/09/2007)  |
| 10/10/2007 | <u>132</u> | REPLY to Response to Motion re <u>118</u> MOTION for Permanent Injunction <i>Declaratory Rulings, Award of Profits and Attorneys Fees</i>   |



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|            |              | filed by Visible Systems Corporation. (Attachments: # <u>1</u> Affidavit of John Nash# <u>2</u> Exhibit Visible Breakthrough 9-24-07# <u>3</u> Exhibit Visible Breakthrough 9-4-07# <u>4</u> Exhibit 3D-VE 9-4-07# <u>5</u> Exhibit 3D-VE 9-24-07# <u>6</u> Exhibit zdnet.co.uk# <u>7</u> Exhibit J.Nash Aff. signature page) (Galebach, Stephen) (Entered: 10/10/2007)   |
| 10/19/2007 | ●            | Judge Richard G. Stearns : Electronic ORDER entered granting <u>123</u> Motion for Leave to File Excess Pages (Zierk, Marsha) (Entered: 10/19/2007)   |
| 10/23/2007 | ●            | ELECTRONIC NOTICE of Status Conference:Status Conference set for 10/31/2007 12:00 Noon in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 10/23/2007)   |
| 10/23/2007 | ●            | ELECTRONIC NOTICE of Hearing on Motion <u>118</u> MOTION for Permanent Injunction <i>Declaratory Rulings, Award of Profits and Attorneys Fees</i> , <u>124</u> MOTION for Judgment as a Matter of Law ( <i>Renewed Post-Trial</i> ) : Motion Hearing set for 10/31/2007 12:00 PM in Courtroom 21 before Judge Richard G. Stearns. Counsel should disregard the notice of status conference previously entered on the docket. It is a hearing on the pending motions (and not a status conference). Mary Johnson, Deputy Clerk.(Johnson, Mary) Modified on 10/23/2007 (Johnson, Mary). (Entered: 10/23/2007)   |
| 10/31/2007 | ●            | Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Motion Hearing held on 10/31/2007 re <u>120</u> MOTION for Judgment as a Matter of Law <i>on Chapter 93A Claim, with Request for Expedited Ruling</i> filed by Unisys Corporation, <u>118</u> MOTION for Permanent Injunction <i>Declaratory Rulings, Award of Profits and Attorneys Fees</i> filed by Visible Systems Corporation, <u>124</u> MOTION for Judgment as a Matter of Law ( <i>Renewed Post-Trial</i> ) filed by Unisys Corporation. Attys. Galebach and Rendini present for the plaintiff. Attys. Doniger and Boesch present for the defendant. After hearing, the motions are taken under advisement. The Court will reserve ruling on the request for attorneys fees at this time. (Court Reporter James Gibbons.) (Johnson, Mary) Modified on 10/31/2007 (Johnson, Mary). (Entered: 10/31/2007) |
| 10/31/2007 | ●            | Notice of correction to docket made by Court staff. Correction: clerk's notes of motion hearing corrected because: notes were incorrect. They have been corrected and redocketed. (Johnson, Mary) (Entered: 10/31/2007)   |
| 11/02/2007 | ● <u>133</u> | Judge Richard G. Stearns : ORDER entered granting in part and denying in part <u>118</u> Motion for Permanent Injunction (Zierk, Marsha) (Entered: 11/02/2007)  |
| 11/02/2007 | ●            | Judge Richard G. Stearns : Electronic ORDER entered finding as moot <u>120</u> Motion for Judgment as a Matter of Law (Zierk, Marsha) (Entered: 11/02/2007)   |
| 11/02/2007 | ●            | Judge Richard G. Stearns : Electronic ORDER entered denying <u>124</u> Motion for Judgment as a Matter of Law (Zierk, Marsha) (Entered: 11/02/2007)   |

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| 11/05/2007 |      | Civil Case Terminated. (Johnson, Mary) (Entered: 11/05/2007)   |
| 11/08/2007 |  134 | NOTICE of Withdrawal of Appearance by Carrie J. Fletcher (Fletcher, Carrie) (Entered: 11/08/2007)  |
| 11/14/2007 |  135 | NOTICE OF APPEAL as to 133 Order on Motion for Permanent Injunction by Visible Systems Corporation Filing fee \$ 455, receipt number 1743397 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/4/2007. (Galebach, Stephen) (Entered: 11/14/2007) |